

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**HEARING DATE: April 13 , 2011  
HEARING TIME: 10:30 A.M.**

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**In re:**

**: Case No. 02 B 13507 (ALG)**

**Richardo Romero,**

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:  
:**

**(Chapter 7)**

**Debtor.**

**:  
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**STATEMENT OF THE UNITED STATES TRUSTEE  
REGARDING APPLICATIONS FOR FINAL COMPENSATION  
AND REIMBURSEMENT OF OUT OF POCKET EXPENSES**

**TO: THE HONORABLE ALLAN L. GROPPER  
UNITED STATES BANKRUPTCY JUDGE:**

Tracy Hope Davis, the United States Trustee for Region 2 (the "United States Trustee"), respectfully submits this statement regarding the following applications seeking awards of final commissions, compensation and reimbursement of expenses in this Chapter 7 case.

| <u>APPLICANTS</u>                                  | <u>FEE</u>  | <u>EXPENSES</u> | <u>HOURS</u> | <u>PERIOD</u>       |
|--|-------------|-----------------|--------------|---------------------|
| Roy Babitt, Chapter 7 Trustee                      | \$4,624.54  | \$0.00          | N/A          | 07/19/02 to Present |
| Arent Fox LLP,<br>Counsel to the Chapter 7 Trustee | \$22,348.37 | \$219.10        | 80.10        | 01/25 to Present    |
| Totals:  | \$26,972.91 | \$219.10        | 80.10        |                     |

In addition, the receipts of the estate are:

| <u>As of Date</u> | <u>Gross Receipts</u> | <u>Disbursements</u> | <u>Balance on Hand</u> |
|-------------------|-----------------------|----------------------|------------------------|
| December 29, 2010 | \$38,745.40           | \$23.95 <sup>1</sup> | \$38,721.45            |

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<sup>1</sup> The \$23.95 was paid to International Sureties, Ltd., for the Trustee's bond premium.

### **Background**

1. On July 19, 2002, Ricardo Romero (the “Debtor”) filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code.
2. On July 19, 2002, Roy Babitt (the “Trustee”) was appointed as interim trustee in this case and thereafter qualified as permanent Chapter 7 Trustee.
3. By order of the Bankruptcy Court dated, February 28, 2006, Arent Fox LLP was retained as counsel to the Chapter 7 Trustee *nunc pro tunc*, effective as of January 16, 2006.
4. The Trustee received the sum of \$38,658.07 (the “Settlement Proceeds”) from a class action injury suit in Texas.
5. The Trustee reports that he has examined all claims that were filed with the Bankruptcy Court. There are no secured and priority claims. The allowed unsecured claims total \$11,529.44. Commissions, compensation and expenses requested by the Chapter 7 applicants herein aggregate \$27,192.01. The Trustee proposes a 100% distribution to the creditors with allowed unsecured claims.

### **Chapter 7 Applicants**

#### **Roy Babitt, Chapter 7 Trustee**

6. The Trustee seeks commissions pursuant to 11 U.S.C. § 330 in the amount of \$4,624.54, the maximum commissions allowed by 11 U.S.C. § 326, based upon gross receipts in the amount of \$38,745.40, which receipts will be disbursed to parties-in-interest excluding the Debtor. The United States Trustee has no objection to an award of commissions sought by this applicant.

**Arent Fox LLP, Counsel to the Chapter 7 Trustee**

7. The United States Trustee has no objection to the award of compensation and out of pocket expenses in the amounts requested by the applicant.

Dated: New York, New York  
February 4, 2011

Respectfully submitted,  
TRACY HOPE DAVIS  
UNITED STATES TRUSTEE

By: /s/ Paul K. Schwartzberg  
Paul K. Schwartzberg  
Trial Attorney  
33 Whitehall Street - 21st Floor  
New York, New York 10004  
Tel. No. (212) 510-0500